



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

<b>MEETING DATE</b> June 6, 2014 <b>LOCAL EFFECTIVE DATE</b> June 20, 2014 <b>APPROX FINAL EFFECTIVE DATE</b> July 11, 2014	<b>CONTACT/PHONE</b> Rob Fitzroy (805)781-5179 rfitzroy@co.slo.ca.us	<b>APPLICANT</b> Centrally Grown, Inc.	<b>FILE NO.</b> DRC2012-00119
<b>SUBJECT</b> Hearing to consider a request by <b>CENTRALLY GROWN INC.</b> for a Minor Use Permit (MUP) to remodel an existing complex of structures and change the use of an existing structure. The project includes interior and exterior structural modifications to existing on-site structures to meet current Building Code requirements. The project would include a change in use of an existing caretaker residence and commercial storage structure to commercial retail. The project would allow an existing single family structure to be used as a vacation rental. The project is located at 7432 Exotic Garden Lane, Cambria, in the North Coast Sub Area planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2012-00119 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 23, 2014 for this project. Mitigation measures are proposed to address aesthetics and biological resources, and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Recreation	<b>COMBINING DESIGNATION</b> Coastal Zone, Local Coastal Program	<b>ASSESSOR PARCEL NUMBER</b> 013-381-002	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> North Coast Area Plan – Recreation North Coast Area Plan – Exotic Gardens Does the project meet applicable Planning Area Standards: Yes - see discussion			
<b>LAND USE ORDINANCE STANDARDS:</b> Coastal Zone Local Coastal Program Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			

<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	
<b>EXISTING USES:</b> Commercial Retail, Restaurant, Gardens	
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Recreation / San Simeon State Park      East: Rural Lands / Single Family Residence South: Rural Lands / Single Family Dwelling      West: Recreation / San Simeon State Beach	
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, Environmental Health, Building Division, Cambria Community Services District, Cal Fire, Cal Trans, California Coastal Commission, North Coast Advisory Council	
<b>TOPOGRAPHY:</b> Gently sloping	<b>VEGETATION:</b> Monterey Pine and Cypress Trees, decorative landscaping
<b>PROPOSED SERVICES:</b> Water supply: Community system (Cambria CSD) Sewage Disposal: Individual septic system Fire Protection: Cambria CSD	<b>ACCEPTANCE DATE:</b> 11/21/13

## DISCUSSION

### PROJECT HISTORY

The initial on-site uses established in 1961 included two permitted single family residences, a commercial gift shop, a commercial nursery, and a demonstration garden. A subsequent use permit was approved in 1980 which allowed a restaurant (The Hamlet), cocktail lounge, a retail shop, and other accessory uses. The Hamlet restaurant was the primary business on the site between 1981 until its closure in early 2012. Other recent uses on site include a day spa (Moonstone Day Spa), a retail art gallery (The Gallery) and a retail nursery (The Grow). Other activities such as jazz concerts and weddings have been held on site.

On February 17, 2012, improvements to renovate and restore the Centrally Grown property were approved under a substantial conformance determination. The improvements included upgrading the site, additional parking areas, and renovating the restaurant to meet current American with Disabilities Act (ADA) accessibility requirements and State and County Building Code requirements. In addition to the site improvements and renovation of the restaurant

building, the substantial conformance determination also approved improvements to the remaining buildings on the site and the continuation of the various uses within those buildings. The current project requires a Minor Use Permit because the property owner has proposed a change in use in one of the structures (from residential to commercial retail), as well as additional structural modifications beyond those approved in the 2012 substantial conformance determination.

## PROJECT DESCRIPTION

The project site is located at 7432 Exotic Gardens Drive. The 3.1 acre project site is located north of the Village of Cambria on the east side of Highway 1 approximately 185 feet northeast of the intersection of Highway 1 and Exotic Gardens Drive. The project is located outside of the Cambria Urban Reserve Line (URL) but is located within the Cambria Community Services District service area boundary. Surrounding uses include a large residential estate lot, San Simeon State Park, Highway 1, and San Simeon State Beach.

The project site is currently occupied by nine structures, including several commercial buildings, two single family residences, parking areas, and ornamental landscaping. The proposed project would include various interior and exterior structural modifications to existing on-site structures so that the structures meet current Building Code requirements. The project would include a change in use of an existing single family residence and commercial storage structure to commercial retail. Exterior modifications would be consistent with the existing scale, height and architectural features of existing structures. The following describes proposed changes to each structure:

- Building 1 – Add 222 square foot rear deck and 305 square foot front deck to the existing restaurant.
- Building 2 and 3 – Convert existing residence and commercial storage space to commercial retail, and add a 380 square foot deck. Interior/exterior structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
- Building 4 – Convert commercial structure to accessory restaurant use. Add 392 square foot deck. Interior/exterior structural modifications as required by Building Code.
- Building 5 – No change. Interior/exterior structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
- Building 6 – Changes to exterior elevations. Structural modifications as required by Building Code. Demolition and rebuild in-kind to existing structure character, scale, height, and massing.
- Building 7 – Add new, two story accessory restroom structure ancillary to the existing primary restaurant.
- Building 8 – No change. Structural modifications as required by Building Code.
- Building 9 – Continued use as a single family residence, with request to be available as a vacation rental.

## PLANNING AREA STANDARDS:

### NORTH COAST RURAL AREA STANDARDS – EXOTIC GARDENS AREA

**Standard 29. Limitation on Use.** Principally permitted uses shall be limited to: eating and drinking places (restaurant and cocktail lounge accommodated only within existing two-story

structure) and general merchandise stores (gift shops). Non-principal permitted uses shall include: single family residences; caretakers' quarters; water wells and impoundments; and accessory uses only. The remaining structures on the site are to be maintained in their present uses or used for storage only. (This is a visitor-serving priority area.)

*Staff Comments: The proposed project would be consistent with Standard 29. The proposed project would maintain the existing uses as allowed by Standard 29, including the restaurant use, which would continue to serve as the principally permitted eating and drinking place, as well as the existing two-story residential structure, general commercial stores and other uses ancillary to the primary use and gardens area. The proposed project would only change the use of the existing caretaker's quarters and commercial storage area to a general commercial retail use, which is an allowed use per Standard 29. The proposed project does not propose any other changes to on-site uses.*

**Standard 30. Permit Requirements.** Minor Use Permit approval is required for any structural modifications, changes of use within existing structures, or new accessory structures.

*Staff Comments: The proposed project is consistent with Standard 30. The proposed project has requested a Minor Use Permit consistent with the requirements of Standard 30, because the project includes structural modifications and a change in use of the existing caretaker's quarters and commercial storage area to commercial retail. In addition, the bathroom to be installed adjacent to the existing restaurant use would be considered a new structure and has been evaluated accordingly and determined to also be consistent with Standard 29 and 30.*

#### LAND USE ORDINANCE STANDARDS:

##### SETBACKS

**23.04.108(D)** Front Setbacks: A minimum 10-foot front setback is required, provided that residential uses are subject to the set-back requirements of subsection A of this section.

**23.04.110(A)(2)** Side Setbacks Recreation Category: Within rural areas. 10 percent of the lot width to a maximum of 25 feet, but not less than three feet, on sites of less than one acre in net area and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 23.05.104f.

**23.04.112(B)(2) (2)** Adjacent to residential use: Where the rear property line abuts a residential category or use, the rear setback is to be a minimum of 15 feet.

*Staff Comments: The proposed project meets all applicable setback requirements.*

##### PARKING

**23.04.166** – Required Number of Parking Spaces:

Building	Use	Required Parking Ratio Per Section 23.04.166	Parking Provided
Building 1	Eating and Drinking	47 Spaces Required Per R791101(1980 Use Permit)	47 Spaces
Building 2 and 3	General Commercial	1 per 300 square feet	5
Building 4	Eating and Drinking	1 per 360 square feet for employees and 1 per 60 square feet for customers	24

Building 5	Garden Storage	N/A	N/A
Building 6	General Commercial	1 per 300 square feet	5
Building 7	Restrooms	N/A	N/A
Building 8	Storage	N/A	N/A
Building 9	Residential	2 spaces	2
Subtotal		83	-
20% Reduction for Shared On-Site Parking Per 23.04.162		67	
<b>TOTAL</b>		<b>67</b>	<b>75</b>

*Staff Comments: The project satisfies the requirements of Section 23.04.166. The project is required to have 67 spaces (inclusive of the 20% reduction) and would provide a total of 75 spaces. The project is allowed a 20% reduction per Section 23.04.162 because it would share on-site parking with other on-site, non-residential uses. The project would also provide an electric shuttle during peak tourist season to pick up patrons within Cambria and transport tourists from their lodging quarters to the site to reduce vehicle trips and parking demand. In addition, the applicant intends to implement carpool programs, alternative modes of transit programs to reduce vehicle trips, and parking demand.*

#### LIGHTING

**23.04.320** Outdoor Lights - The standards of this section are applicable to all outdoor night-lighting sources installed after the effective date of this Title, except for street lights located within public rights-of-way and all uses established in the Agriculture land use category. No land use permit is required for lighting facilities, though an electrical permit may be required by Title 19 of this code.

- a. Illumination only: Outdoor lighting is to be used for the purpose of illumination only, and is not to be designed for or used as an advertising display, except as provided by Sections 23.04.300 et. seq.
- b. Light directed onto lot: Light sources are to be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.
- c. Minimization of light intensity: No light or glare shall be transmitted or reflected in such concentration or intensity as to be detrimental or harmful to persons, or to interfere with the use of surrounding properties or streets.
- d. Light sources to be shielded:
  - (1) Ground illuminating lights: Any light source used for ground area illumination except incandescent lamps of 150 watts or less and light produced directly by the combustion of natural gas or other fuels, shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight feet, the required shielding is to extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within 1,000 feet of the light fixture.

- (2) Elevated feature illumination: Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source is to be shielded so as not to be directly visible from off-site.

e. Height of light fixtures: Free-standing outdoor lighting fixtures are not to exceed the height of the tallest building on the site

*Staff Comments: The project, as conditioned, meets the requirements of Section 23.04.320.*

#### NOISE

##### **23.06.044** Exterior Noise Level Standards

Per Section 23.06.044, exterior noise levels shall not exceed 70 decibels from 7 A.M. to 10 P.M. and 65 decibels from 10 P.M. to 7 A.M.

*Staff Comments: The project, as conditioned, will comply with these requirements. The proposed project does not include a special events component. Only activities associated with the primary restaurant use will be allowed. These activities will be subject to Section 23.06.044.*

#### ENVIRONMENTAL DETERMINATION COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A

Recreation and Visitor Serving: Policy No(s): 1, 2

Energy and Industrial Development: ☒ N/A

Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A

Environmentally Sensitive Habitats: Policy No(s): 2

Agriculture: ☒ N/A

Public Works: Policy No(s): 1

Coastal Watersheds: ☒ N/A

Visual and Scenic Resources: ☒ N/A Policy No(s):

Hazards: ☒ N/A

Archeology: ☒ N/A

Air Quality: ☒ N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

#### COASTAL PLAN POLICY DISCUSSION:

##### **Recreation and Visitor Serving**

Policy 1: Recreation Opportunities. Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion of existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities. Visitor serving facilities include all lodging establishments included in the definition of Hotels, Motels in Chapter 7 of Framework for Planning of the Land Use Element and Local Coastal Plan; provided that hotels and motels which are condominium or planned development projects may be approved only where specifically identified as an allowable use by planning area standards of the Land Use Element and Local Coastal Plan. The new construction of non-visitor serving or non-principally permitted uses shall only be permitted if it can be found that they

would not prejudice the provision of adequate visitor-serving facilities to meet the foreseeable demand over the next 20 years.

*Staff Comments: The project is consistent with this policy. The project would continue as a visitor serving land use. The project would not change the principal or secondary uses such that any visitor serving opportunities would be lost. The project would include additional general commercial uses and a vacation rental to serve visitors of the area. The project would result in an overall enhancement to the site and improve visitor serving opportunities to the public.*

### **Environmentally Sensitive Habitats**

Policy 2: Permit Requirement. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

*Staff Comments: The project is consistent with this policy, as conditioned. The applicant has prepared a biological resource evaluation by a County approved biologist. No listed plant or animal species, or their habitats were identified on-site. The project would remove two dead/diseased Monterey pines and has been conditioned to replace those trees at a 4:1 ratio. The project has been conditioned to conduct construction activities outside of the nesting bird season, or preform nesting bird surveys if construction would occur during the nesting season. No significant impacts to biological resources would occur.*

### **Public Works**

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable.

*Staff Comments: The project is consistent with this policy. The Cambria Community Services District has issued a will-serve letter to the applicant for the proposed project. The project has a historic water allocation that would be utilized. The project would reduce the number of water fixtures and install high-efficiency fixtures. Overall, water demand is anticipated to be less than historic use. The project has an existing, sophisticated, on-site wastewater treatment system. The system has the ability to reuse water on-site for irrigation purposes. This contributes to reducing overall demand.*

### **Coastal Watersheds**

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion.

*Staff Comments: As conditioned the project shall comply with this policy because the project will be required to have a drainage plan that is approved by County Public Works and meets newly*



*adopted storm water runoff requirements as required by the Regional Water Quality Control Board.*

### **Visual and Scenic Resources**

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible.

*Staff Comments: The project is consistent with this policy. The project would not impact existing features of the landscape. The project would enhance the site by remodeling existing dilapidated, unsightly structures. The scale, architectural style and massing of the remodeled structures would match the existing character of the site and surrounding area, and has been conditioned accordingly.*

Policy 7: Preservation of Trees and Native Vegetation. The location and design of new development shall minimize the need for tree removal. When trees must be removed to accommodate new development or because they are determined to be a safety hazard, the site is to be replanted with similar species or other species which are reflective of the community character.

*Staff Comments: The project is consistent with this policy, as conditioned. The project would remove two dead/diseased Monterey pines and has been conditioned to replace those trees at a 4:1 ratio.*

### **COMMUNITY ADVISORY GROUP COMMENTS:**

North Coast Advisory Council (NCAC) met at a regular meeting on January 15, 2014 and voted to approve the project with conditions. The complete comment letter is attached. Key concerns of the NCAC include:

- Change in use of the existing general commercial structure (Building 4) to an accessory restaurant use
- Use of tables and chairs on front facing deck of the existing restaurant
- "Change in use" in the existing single family residence to be used as vacation rental
- Parking along Exotic Garden Lane
- Lighting should not exceed 48 inches in height
- Adequate employee and patron parking should be provided to meet maximum occupancy

Concerns related to change in use are addressed above in Planning Area Standards. The project does not propose the use of tables and chairs on the front facing deck, this will be standing room only for patrons waiting for tables. The request for a vacation rental in the existing residential structure is not considered a change in land use and is an allowed use on-site. Residential uses are consistent with applicable planning area standards. The project meets all applicable requirements for parking per 23.04.166 (see analysis above). The project will be required to comply with the County's lighting requirements. The project has been conditioned to include "no parking" signs along Exotic Garden Lane to ensure that parking occurs only in designated, approved parking spaces.

### **AGENCY REVIEW:**

Public Works – No concerns.

Environmental Health – No comments.



Ag Commissioner- No comments.  
County Parks - No comments.  
CDF - No comments.  
Community Services District – Issued Will Serve Letter.  
APCD – No Comments.  
California Department of Fish and Game – No comments.  
Cal Trans – No concerns.  
California Coastal Commission – No Comments.

LEGAL LOT STATUS:

The one existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Rob Fitzroy and reviewed by Steve McMasters